
HOUSE BILL No. 1823

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-9.6; IC 36-8.

Synopsis: Fire protection standards for towns. Allows a local public question to be placed on the ballot concerning whether a town with a population of more than 500 but less than 5,000 shall adopt an ordinance adopting a public protection classification and standards consistent with the rating as established by Insurance Services Office, Inc., standards for the town's fire protection system. Provides that if the town has a fire department, the standards may be used as guidelines for the operation and planning of the town fire department and for the legislative body to review and validate grant and funding requests for fire equipment from the fire department. Requires an entity that contracts with the town to provide fire protection services consistent with the town's adopted public protection classification and standards. Provides that landowners may petition and require a town legislative body to purchase firefighting equipment for the use of the volunteer fire department serving the town.

Effective: July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1823

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-9.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]:

4 **Chapter 9.6. Local Public Question Concerning Fire Protection**
5 **Standards**

6 **Sec. 1. This chapter applies to a town that has a population of**
7 **more than five hundred (500) but less than five thousand (5,000).**

8 **Sec. 2. The procedure for placing a local public question on the**
9 **ballot to require the legislative body to:**

10 **(1) adopt an ordinance adopting:**

11 **(A) a public protection classification; and**

12 **(B) the standards consistent with the classification in**
13 **clause (A);**

14 **as developed by Insurance Services Office, Inc., for the town's**
15 **fire protection system; or**

16 **(2) repeal an ordinance described in subdivision (1);**
17 **is set forth in IC 36-8-11.5.**

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SECTION 2. IC 36-8-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 11.5. Adoption of Public Protection Classification and Standards

Sec. 1. This chapter applies to a town with a population of more than five hundred (500) but less than five thousand (5,000).

Sec. 2. As set forth in this chapter, a town may adopt an ordinance that adopts:

- (1) a specified public protection classification as established by Insurance Services Office, Inc.; and
- (2) the standards consistent with the classification adopted in clause (A);

for the town's fire protection system.

Sec. 3. If a town owns and operates a town fire department, the standards adopted under section 2 of this chapter are discretionary guidelines for:

- (1) the operation and planning of the town's fire protection system; and
- (2) the legislative body to use in reviewing and validating:
 - (A) the fire department's grant and funding requests for fire department equipment; and
 - (B) the fire department operating budget.

Sec. 4. If a town contracts with an entity for fire protection, the entity shall provide fire protection services to the town consistent with the town's adopted public protection classification and standards.

Sec. 5. (a) The legislative body of a town may adopt a resolution to submit to the registered voters of the town the local public question of whether the legislative body of the town shall adopt an ordinance described in section 2 of this chapter.

(b) The form of the local public question must comply with section 13 of this chapter.

Sec. 6. If the legislative body adopts the resolution:

- (1) the legislative body shall file a copy of the resolution with the clerk of the circuit court for each county in which the town is located;
- (2) the circuit court clerk shall certify the resolution to the county election board; and
- (3) the county election board shall place on the ballot the local public question contained in the resolution.

Sec. 7. (a) The registered voters of a town may petition the

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1 county election board to place a local public question on the ballot
 2 concerning whether the town shall adopt an ordinance as set forth
 3 in section 2 of this chapter.

4 (b) The form of the local public question in the petition must
 5 comply with section 13 of this chapter.

6 Sec. 8. (a) The petition must be filed with the circuit court clerk
 7 in the county where the town is primarily located.

8 (b) The petition must be signed by at least the number of
 9 registered voters of the municipality that is required to place a
 10 candidate on the ballot under IC 3-8-6-3.

11 (c) Each petition must contain or have attached to the document
 12 throughout the document's circulation the full text of the local
 13 public question.

14 Sec. 9. Except as provided in this chapter, the petition must
 15 meet, in addition to the requirements of this chapter, the
 16 requirements of IC 3-10-9.

17 Sec. 10. Each person who circulates a petition must execute an
 18 affidavit stating:

- 19 (1) that the affiant personally circulated the document;
- 20 (2) the number of signatures on the document;
- 21 (3) that all the signatures were affixed in the affiant's
- 22 presence; and
- 23 (4) that the affiant believes the signatures to be genuine
- 24 signatures of the persons whose names they purport to be.

25 The affidavit must be attached to the petition at the time the
 26 petition is filed with the circuit court clerk.

27 Sec. 11. Not later than thirty (30) days after a petition is filed
 28 with the circuit court clerk under this chapter, the circuit court
 29 clerk shall:

- 30 (1) examine the signatures on the petition;
- 31 (2) issue a certificate declaring that the petition is sufficient or
- 32 insufficient;
- 33 (3) send a copy of the certificate to the municipal legislative
- 34 body by registered or certified mail;
- 35 (4) publish, in at least one (1) newspaper of general circulation
- 36 in the township, a notice of the filing of the petition and the
- 37 certificate issued by the circuit court clerk as to the
- 38 sufficiency or insufficiency of the petition; and
- 39 (5) if the clerk declares that the petition is sufficient, certify
- 40 the local public question to the county election board.

41 Sec. 12. (a) If a county election board receives a local public
 42 question certified under section 6 or 11 of this chapter, the county

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election board shall place the local public question on the ballot at the next general election, primary election, municipal election, or municipal primary election for which the question can be certified in accordance with IC 3-10-9-3.

(b) The county election board shall place the local public question on the ballot in the form prescribed by IC 3-10-9-4.

Sec. 13. The local public question must state the following:

"Shall (insert the name of the town) adopt an ordinance adopting a public protection classification of (specify the classification) and standards consistent with the classification for the town's fire protection system as established by Insurance Services Office, Inc.?"

Sec. 14. If a majority of the registered voters who vote on the local public question vote in favor of the local public question, not later than thirty (30) days after the county election board certifies the results to the town legislative body, the legislative body shall adopt an ordinance adopting the rating and standards.

Sec. 15. Except as provided in sections 16 and 17 of this chapter, the procedure for repealing an ordinance is the same as the procedure for adopting an ordinance under this chapter.

Sec. 16. If a local public question is certified for repeal of the ordinance, the county election board shall place the local public question on the ballot as set forth in section 12 of this chapter. The local public question must state the following:

"Shall (insert the name of the town) repeal the ordinance that adopts a public protection classification of (specify the classification) and standards consistent with the classification rating for the town's fire protection system as established by Insurance Services Office, Inc.?"

Sec. 17. If a majority of the registered voters who vote on the local public question vote in favor of repealing the ordinance, the legislative body shall repeal the ordinance not later than thirty (30) days after the county election board certifies the results to the town legislative body.

Sec. 18. (a) This section applies to a town that has a local public question under this article voted on by the voters of the town.

(b) If a local public question under this article concerning the town is rejected by a majority of the voters voting on the local public question, another local public question under this article concerning the town may not be placed on a ballot for an election for at least two (2) years from the date of the election at which the local public question was rejected.

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1 SECTION 3. IC 36-8-13.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]:

4 **Chapter 13.5. Petition for Town Purchase of Fire Equipment**

5 **Sec. 1. This chapter applies to a town that has a population of**
6 **more than five hundred (500) but less than five thousand (5,000).**

7 **Sec. 2. If the owners of land located within the boundaries of the**
8 **town want the town to purchase its own fire equipment, the**
9 **landowners may file a petition with the town legislative body:**

10 (1) signed by at least fifty-one percent (51%) of the owners of
11 land in the town; and

12 (2) requesting the town to purchase firefighting equipment for
13 the use of the volunteer fire department serving the town,
14 including entering into a lease rental with option to purchase
15 agreement to acquire the equipment.

16 **Sec. 3. (a) If the petition contains the required number of**
17 **signatures, the town legislative body must create a plan for**
18 **purchasing the town's firefighting equipment not later than one (1)**
19 **year after the date the petition is filed.**

20 (b) The town shall adopt the plan in subsection (a) by ordinance
21 or resolution not later than six (6) months after the petition is filed.

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